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OFFICE OF PETITIONS

In re Application of :
Mark A. HARTENSTEIN, et al :
Application No. 10/811,327 : DECISION ON PETITION
Filed: March 25, 2004 :
Attorney Docket No. HART0001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 12, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before May 11, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed February 10, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 12, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and publication fee of \$300; (2) the petition fee of \$810; and (3) the required statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The Terminal Disclaimer filed with the petition dated January 12, 2010, was acknowledged, however, is unnecessary because the application is not a design application nor was it filed before June 8, 1995. See MPEP 1.137(d).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions